

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: TELEXFREE SECURITIES LITIGATION)	
)	
)	
)	
This Document Relates To:)	MDL No. 4:14-md-2566-TSH
)	
All Cases)	
)	
)	
)	
)	

MDL Case Management Order No. 4
March 10, 2015

Hillman, D.J.

1. The Certain Defendants’ Motion To Consolidate, To Set A Schedule For Filing A Consolidated Amended Complaint, And For Related Procedural Relief (Docket No. 85) and Motion of Certain Defendants To Approve [Proposed] Case Management Order No. 3 (Docket No. 67) are **denied**.

2. Plaintiffs Interim Lead Counsel and Executive Committee have represented to the Court that they intend to file a master Consolidated Complaint. Leave is hereby granted to file a master Consolidated Complaint. That pleading is to be filed in the MDL master file under docket No. 4:14-md-2566-TSH. The Consolidated Complaint shall be filed on or before March 31, 2015.

3. The Consolidated Complaint shall be the operative pleading superseding the complaints filed in the following actions: *Githere, et al. v. TelexElectric, LLLP, et al.*, No. 14-

12825-TSH (D.Mass); *Cook v. Telexelectric, LLLP, et al.*, No. 14-40154-TSH (D.Mass); *Ferguson, et al., v. TelexElectric, LLLP, et al.*, No. 14-40138-TSH (D.Mass); *Guevara v. Merrill, et al.*, No. 14-40156-TSH (D.Mass); *Magalhaes, v. TelexFree, Inc., et al.*, No. 14-12437-TSH (D. Mass.); *Cellucci, et al., v. TelexFree, Inc., et al.*, 14-40093-D.Mass (D. Mass.)(Bankr. Adv. No. 14-04057 (Bankr. D. Mass.)); *Ferrari v. TelexFree, Inc., et al.*, 14-40144-TSH (D. Mass.)(Bankr. Adv. No. 14-4080 (Bankr. D. Mass.)); *Martin, et al. v. TelexFree, Inc., et al.*, 14-40095-TSH (D.Mass.)(Bankr. Adv. No. 14-04044 (Bankr. D. Mass.)); and *Abdelgadir, et al. v. TelexElectric, LLLP et al.*, 15-CV-40028 (D.Mass) (collectively, the “TelexFree Actions”).

4. Upon the filing of the Consolidated Complaint, all TelexFree Actions shall be administratively closed by the Clerk of the Court and all claims asserted there in shall be deemed waived.

5. *Griffith v. Merrill., et al.*, 14-12058, which has not been identified as a TelexFree Action, will remain an independent action.

6. The document titled “Plaintiffs First Consolidated Amended Complaint,” filed on November 23, 2014, in *In Re TelexFree Securities Litigation*, 14-MD-02566, without a civil action number and which was filed without leave of court, is hereby stricken.

7. Any Defendant that has been served, or has agreed to accept service, in any of the TelexFree Actions shall answer or otherwise respond to the Consolidated Complaint within thirty (30) days of its filing. Any Defendant that has not been served, or has not agreed to accept service, in any of the TelexFree Actions shall be served within forty-five (45) days of the filing of the Consolidated Complaint and such Defendants shall answer or otherwise respond to the Consolidated Complaint within thirty (30) days of service.

8. Within sixty (60) days of the filing of the Consolidated Complaint, the parties shall file a joint proposed scheduling order which includes the holding of a Rule 26(f) conference and the serving of initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1). This provision shall be stayed as to any Defendant that files a motion to dismiss pending final resolution of such motion.

9. The Defendants are not obligated to make any initial disclosures or participate in a Rule 26(f) conference prior to the Court adopting the scheduling order referred to in the preceding paragraph. If the Consolidated Complaint is not filed in accordance with this Order, then on or before April 17, 2015, Defendants may file motions dismiss the individual complaints in which they are named.

So Ordered.

/s/ Timothy S. Hillman
Timothy S. Hillman
United States District Judge